

District is submitted for approval, it shall be an obligation of the developer of such development phase to cause the developers of such Region to prepare and submit to the City with such Preliminary Plan an updated land use plan for those areas in the Region for which Preliminary Plans shall not then have been submitted for approval.

b. Submission by Developers. At any time and from time to time any one or more developers of each Region of the District may prepare and submit to the City an updated land use plan for any area in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plan shall meet the requirements of this Subsection V I.

c. Annual Submissions. When no updated land use plan for the District shall have been prepared for one year, the developers of each Region of the District shall, unless the City waives such obligation, prepare and submit to the City a land use plan for those areas in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plans shall meet the requirements of this Subsection V I.

3. Land Use Plans to Reflect Developers' Best Intentions. The land use plan included in Part Three of

this Plan Description, and each updated land use plan subsequently prepared and submitted in accordance with this Subsection V I. shall, as of its date, reflect the best intentions of the developers of the District with respect to the future development of the District into land use Areas and the location of such land use Areas in the District.

4. Changes in Land Use Plans Requiring City Council Approval. Changes in the land use plan included in Part Three of this Plan Description or in any updated land use plan prepared and submitted in accordance with this Subsection V I. which involve the relocation of a land use Area in the District or the establishment of a new land use Area in the District shall require the approval of the City Council, which approval may be obtained in accordance with the procedures set forth in Subsection A.9. of Section III hereof; provided, that the following changes in any such land use plan shall not require the approval of the City Council:

a. The establishment or relocation of one or more neighborhood shopping center Business Areas each of which contains no more than fifteen acres or the establishment or relocation of no more than three Business Areas each of which contains no more than twenty-five acres; and

b. The enlargement of a land use Area, into property contiguous to such land use Area

prior to such enlargement, the contraction of a land use Area, or the elimination of a land use Area; provided that a neighborhood shopping center Business Area or a Business Area containing no more than twenty-five acres established or relocated pursuant to Subsection 4.a. of this Subsection V I. may not, without the approval of the City Council, be enlarged to a size greater than fifteen acres or twenty-five acres respectively; and, provided further, that properties separated by highways, streets, public ways or railroad or public utility rights-of-way shall be deemed contiguous for the purpose of this Subsection V I.4.b.; and

c. Any changes in any such land use plan involving land designated for open space, park, recreation or school site purposes; and

d. Any changes in such land use plan which are deemed necessary or desirable by the developers of those areas of a Region of the District for which Preliminary Plans shall not have been submitted for approval because of any of the following events and which are reasonably attributable to such event or events:

(1) A change in the zoning classification of property adjacent to but outside the boundaries of the District, unless such property is

owned or controlled by a developer of the District and such change in zoning shall have been made with such developer's consent or approval; or

(2) A change in the location of the Fox Valley Freeway or other new arterial roads described in Subsection D. of this Section V as shown on the land use plan included in Part Three of this Plan Description or on any updated land use plan prepared and submitted in accordance with this Subsection V I., provided, that a substantial change or substantial changes in such land use plan occasioned by the abandonment of plans for the Fox Valley Freeway shall require approval of the City Council unless such change or changes are otherwise permitted to be made without City Council approval pursuant to the provisions of this Subsection I.; or

(3) The future location or elimination of major public transportation facilities or routes designed, in whole or in part, to serve the District; or

(4) The enactment of any municipal, state or federal ordinance

or law or the issuance of any executive  
or judicial ordinance or decree.

5. Preliminary Plans and General Development Plans to Conform to Land Use Plan. Each Preliminary Plan for a development phase of the District which is submitted for approval and each General Development Plan submitted pursuant to Subsection J. of this Section V shall conform to the land use plan included in Part Three of this Plan Description or the most recent updated land use plan subsequently prepared and submitted in accordance with this Subsection V I., and if those portions of any such updated land use plan to which any such Preliminary Plan conforms involve land use plan changes requiring the approval of the City Council pursuant to the provisions of this Subsection V I., such approval by the City Council shall be a condition to the approval of such Preliminary Plan.

J. General Development Plans.

1. Each Preliminary Plan submitted for approval in accordance with Subsection 14.7-12 of the Zoning Ordinance shall (unless the Plan Commission waives the requirement) either be accompanied by a General Development Plan for the area in which the property covered by such Preliminary Plan is located, or cover property included within a General Development Plan previously submitted to the City. Such General Development Plan shall cover, or shall have covered, a sufficient area

beyond the borders of the property covered by such Preliminary Plan ("Preliminary Plan property") to show the relationship of the proposed land uses for surrounding property which may reasonably be affected by or may reasonably have an affect upon the Preliminary Plan property.

2. A General Development Plan shall include no less than one hundred and twenty acres of land (unless the Plan Commission shall approve a smaller acreage) and shall be at a scale of one inch equals two hundred feet and shall show proposed rights-of-way for primary and secondary roads, preliminary locations of open space and school sites, if any, and proposed land uses.

3. In each General Development Plan and in each Preliminary Plan the location of Business, Manufacturing and Residential Areas will be planned so that the locations of such Areas are in a compatible relationship to each other and Business Areas of the District shall not be developed in such a manner that they would be generally regarded as undesirable strip commercial developments.

4. A developer shall have the right to make revisions to any General Development Plan to the extent that such revisions will not impair the compatible relationship of land uses to each other or to the abutting land uses of previously approved Preliminary Plans.

5. Each Preliminary Plan which must be submitted with an accompanying General Development Plan,

or which covers property included with a previously submitted General Development Plan, shall be consistent with such accompanying or previously submitted General Development Plan.

K. Development Pursuant to Final Plans.

Each development phase of the District shall be developed only according to an approved Final Plan for such development phase, and in such development phase no site may be used nor structure erected except as provided for in such Final Plan or as provided for in changes made in an approved Final Plan pursuant to Subsection O. of this Section V.

L. Conveyances of Property Not Included in an Approved Final Plan.

When and if any property in Region I or Region II not included in a Final Plan approved by the City Council pursuant to Subsection 14.7 of the Zoning Ordinance shall be conveyed to a person other than one of the developers of the District on the approval date, the deed of conveyance or another appropriate document which will bind such party and any subsequent owner of the property shall contain provisions specifying the land use Areas into which such property may be developed, the residential density which will be permitted in the development of such property, the open space, park, recreation land and school

site land reservation and dedication or sale obligations which will apply to such property and such other restrictions and limitations as shall be deemed necessary and relevant. A copy of such deed or other document shall be deposited with the Department of City Planning.

M. Transfers of Property Between Regions.

The developers of the District may agree that property described in this Plan Description as part of either Region of the District may be transferred to the other Region of the District; provided, that such transfer shall not become effective until written notice thereof has been given to the Department of City Planning. Such notice shall specify (i) the changes in the permitted average residential density in each Region of the District which will result from such transfer, which changes may not result in an increase in the average residential density for the District permitted by this Plan Description, and (ii) the changes in the percentage limitations on permitted uses in each Region of the District which will result from such transfer, which percentage changes may not result in an increase in the maximum number of acres in the District which are permitted to be devoted to each of the three land use Areas pursuant to Section II hereof or a decrease in the minimum number of acres in the District which are required to be devoted to each of said land use Areas pursuant to said Section II.

N. Changes in Plan Description.

At any time or from time to time prior to the approval of Final Plans for all of the District, the developers of those areas of the District for which Final Plans shall not have been approved may request approval of changes in this Plan Description by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district; provided, that if any of such requested changes involves a major change from this Plan Description, as such term is defined in clause (b) of Subsection 14.7-6 of the Zoning Ordinance, such change shall not be made without consideration thereof at a public hearing held in accordance with the provisions of Section 15 of the Zoning Ordinance as in the case of an application for establishment of a planned development district. If changes in this Plan Description are approved by the City Council in accordance with this Subsection N., ten complete copies of a new Plan Description, incorporating such changes, with all accompanying materials and data shall be prepared at the expense of the developers of the District requesting such changes and deposited with the Department of City Planning.

O. Changes in Approved Final Plans.

1. Prior to Completion of Development Phase.

After approval by the City Council of any Final Plan for any development phase of the District and prior to the completion of such development phase in accordance with such approved Final Plan, the developer of the uncompleted portion of such development phase may request approval of changes in such approved Final Plan by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district, and the provisions of Subsection 14.7-9 of the Zoning Ordinance shall be applicable to the approval of requested changes in an approved Final Plan. If changes in an approved Final Plan are approved by the City Council, ten complete copies of a new Final Plan, incorporating such changes, with all accompanying materials and data, shall be prepared at such developer's expense and deposited with the Department of City Planning.

2. After Completion of Development Phase.

After completion of construction of a development phase in accordance with an approved Final Plan, the record owner of any property included in such development phase

may request approval of changes in such approved Final Plan by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district, and the provisions of Subsection 14.7-9 of the Zoning Ordinance shall be applicable to the approval of requested changes in an approved Final Plan; provided, that (i) prior to approving any such requested changes, the City shall give notice to the owners or occupants of other properties which may be affected by such changes as determined by the Plan Commission, and, at the written request of any of such owners or occupants, made within five days after the date on which such notice is given, such changes shall not be made without consideration thereof at a public hearing held in accordance with the provisions of Section 15 of the Zoning Ordinance as in the case of an application for establishment of a planned development district; and (ii) until such time as Final Plans shall have been approved for all of the Region in which such property is located, such changes shall require the approval of the developers of those areas of the Region for which Final Plans shall not have been approved. If changes in an approved Final Plan are approved by the City Council, ten complete copies of a new Final Plan or the part thereof affected by such changes, incorporating such changes, with all accompanying materials and data, shall be prepared at such record

owner's expenses and deposited with the Department of City Planning.

P. Reliance by Developers.

If the property included in the District is annexed to the City and is approved as a planned development district in accordance with the provisions of Subsection 14.7 of the Zoning Ordinance and in accordance with the provisions of this Plan Description, such approval shall be given with the recognition by the City and the Corporate Authorities thereof that the developers of the District:

1. Regard both Regions and all development phases of the District as a unified undertaking with a single goal of creating a single community of integrated residential, business, manufacturing and related municipal and public uses of the property included in the District.

2. Would not commence the development of the District and would not undertake the obligations provided for in the Principal Annexation Agreement to which this Plan Description is an Exhibit were it not for the assurance given to them by the City and the Corporate Authorities thereof that they will have the opportunity to complete the development of the District in accordance with the provisions of this Plan Description, subject to its limitations and requirements and the limitations and

requirements of the Zoning Ordinance as in effect on the approval date.

Q. Developer.

As used in this Plan Description the terms "developer" and "developers" as applied to the District or a Region of the District shall mean the record owner or record owners of property located within the District or the Region on the approval date. A developer shall have the right to assign some or all of its rights, subject to some or all of its duties and obligations, which the developer may have under this Plan Description. The developer, or its assignee, shall have the right to appoint an agent or representative to act for it with respect to the Plan Description. If the record owner of property in the District is a Land Trust, then either the beneficiary of such Land Trust or the Land Trust Trustee shall have the right to appoint and designate a duly authorized agent or representative for the owner of record.

# **Exhibit A II**

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICTPLAN DESCRIPTIONPART TWOLegal Description of the Property to Be  
Included in the Proposed District

Following hereafter is the legal description of the property to be included in the District and specifically identified as Region I and Region II, respectively:

REGION I

That part of Sections 20, 21, 28 and 29, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Beginning at the southwest corner of Lot 7 in Walter S. Otto's Assessment Plat of part of Sections 17 and 20, recorded in the Recorder's Office of DuPage County, October 10, 1947 as Document 531314 and re-recorded on January 13, 1948 as document 537648; thence southerly along the easterly line of the right of way of the Elgin, Joliet and Eastern Railroad Company 1404.69 feet to the center line of Illinois State Route No. 65; thence South 2°11' West along the easterly line of the right of way of said Elgin, Joliet and Eastern Railroad Company 1853.06 feet to an angle in said right of way line; thence South 89°05'01" East along said right of way line 30.0 feet to an angle in said right of way line; thence South 2°11' West along said right of way line 1100.0 feet to an angle in said right of way line; thence North 89°05'01" West along said right of way line 30.0 feet to an angle in said right of way line; thence South 2°11' West along the easterly line of the right of way of said Elgin, Joliet and Eastern Railroad Company 2622.65 feet to the center line of U.S. Route No. 34; thence North 68°19'26" East along the center line of said U.S. Route No. 34, 885.24 feet to the west line of the East Half of the Southeast Quarter of said Section 29; thence North 1°36'18" East along the west line of the East Half of the Southeast Quarter of said Section 29, 422.28 feet to the south line of the Northeast Quarter of said Section 29; thence South 87°26'57" East along the south line of the Northeast Quarter of said Section 29, 358.31 feet to a line drawn North 1°30' East from a point on the center line of said U.S. Route No. 34 that is 733.26 feet South 68°19'26" West of the point of intersection of the south line of the Northeast Quarter of said Section 29 with the center line of said U.S. Route No. 34; thence North 1°30' East 1854.60 feet; thence South 89° West 396.0 feet to the division line; thence North 2°11'54" East along the division line 505.01 feet to the north line of said